

DECEMBER 26, 1808.

Read the first and second time, and committed to a committee of the whole House, on Wednesday next.

A Bill,

To interdict the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes.

1 Sec. 1. *BE it enacted by the senate and house of representatives*
2 *of the United States of America, in congress assembled, That from*
3 *and after the passing of this act, the entrance of the harbours*
4 *and waters of the United States, and of the territories thereof,*
5 *be, and the same is hereby interdicted to all public ships and*
6 *vessels belonging to Great Britain or France, or to any other*
7 *belligerent power or powers having in force orders, decrees,*
8 *edicts, or laws, violating the lawful commerce or neutral rights*
9 *of the United States ; excepting vessels only which may be forced*
10 *in by distress, or by being pursued by an enemy, or which are*

11 charged with dispatches or business from the government to
 12 which they belong; and also packets having no cargo nor mer-
 13 chandise on board. And if any public ship or vessel, as aforesaid,
 14 not being included in the exception above mentioned, shall enter
 15 any harbour or waters within the jurisdiction of the United States,
 16 or of the territories thereof, it shall be lawful for the president of
 17 the United States, or such other person as he shall have empow-
 18 ered for that purpose, to employ such part of the land and naval
 19 forces, or of the militia of the United States, or the territories
 20 thereof, as he shall deem necessary, to compel such ship or vessel
 21 to depart.

1 Sec. 2. *And be it further enacted*, That it shall not be lawful
 2 for any citizen or citizens of the United States, or the territories
 3 thereof, nor for any person or persons residing or being in the
 4 same, to have any intercourse with, or to afford any aid or sup-
 5 plies to, any public ship or vessel as aforesaid, which shall, con-
 6 trary to the provisions of this act, have entered any harbour or
 7 waters within the jurisdiction of the United States, or the terri-
 8 tories thereof: and if any person shall, contrary to the provisions
 9 of this act, have any intercourse with such ship or vessel, or
 10 shall afford any aid to such ship or vessel, either in repairing
 11 the said vessel, or in furnishing her, her officers or crew, with
 12 supplies of any kind, or in any manner whatever, or if any pilot
 13 or other person shall assist in navigating or piloting such ship or
 14 vessel, unless it be for the purpose of carrying her beyond the

1 Sec. 3. *And be it further enacted,* That from and after the
2 day of next, the entrance of the har-
3 bours and waters of the United States, and the territories thereof,
4 be, and the same is hereby interdicted to all ships or vessels sail-
5 ing under the flag of Great Britain or France, or owned in whole
6 or in part by any citizen or subject of either ; vessels hired, char-
7 tered, or employed by the government of either country, for the
8 sole purpose of carrying letters or dispatches, and also vessels
9 forced in by distress or by the dangers of the sea, or by being pur-
0 sued by an enemy, only excepted. And if any ship or vessel sail-
1 ing under the flag of Great Britain or France, or owned in whole
2 or in part by any citizen or subject of either, and not excepted as
3 aforesaid, shall, after the said day of next,
4 arrive, either with or without a cargo, within the limits of the Unit-
5 ed States, or of the territories thereof, such ship or vessel, together
6 with the cargo, if any, which may be found on board, shall be for-
7 feited, and may be seized and condemned in any court of the Unit-
8 ed States, or the territories thereof, having competent jurisdiction.

1 Sec. 4. *And be it further enacted,* That from and after the
2 day of next, it shall not be lawful to im-

port into the United States, or the territories thereof, any goods,
 wares or merchandise whatever, from any port or place situated in
 Great Britain, or Ireland, or in any of the colonies or dependencies
 of Great Britain, nor from any port or place situated in France, or in
 any of her colonies or dependencies, nor from any port or place in
 the actual possession of either Great Britain or France: nor shall it
 be lawful to import into the United States, or the territories thereof,
 from any foreign port or place whatever, any goods, wares, or mer-
 chandise whatever, being of the growth, produce or manufacture
 of France, or of any of her colonies or dependencies, or being of
 the growth, produce or manufacture of Great Britain or Ireland,
 or of any of the colonies or dependencies of Great Britain, or being
 of the growth, produce or manufacture of any place or country in
 the actual possession of either France or Great Britain.

Sec. 5. *And be it further enacted,* That whenever any article
 or articles, the importation of which is prohibited by this act, shall,
 after the be imported into
 the United States, or the territories thereof, contrary to the true
 intent and meaning of this act, or shall, after the said
 be put on board of any ship or vessel, boat, raft
 or carriage, with intention of importing the same into the United
 States, or the territories thereof, all such articles, as well as all
 other articles on board the same ship or vessel, boat, raft or car-
 riage, belonging to the owner of such prohibited articles, shall be
 forfeited; and the owner thereof shall moreover forfeit and pay tre-
 ble the value of such articles.

1 **Sec. 6. And be it further enacted,** That if any article or articles,
2 the importation of which is prohibited by this act, shall, after the
3 be put on board of any ship or vessel,
4 boat, raft or carriage, with intention to import the same into the
5 United States, or the territories thereof, contrary to the true intent
6 and meaning of this act, and with the knowledge of the owner or
7 master of such ship or vessel, boat, raft or carriage, such ship or
8 vessel, boat, raft or carriage, shall be forfeited, and the owner and
9 master thereof shall moreover each forfeit and pay treble the value
10 of such articles.

1 Sec. 7. *And be it further enacted*, That if any article or articles,
2 the importation of which is prohibited by this act, and which shall,
3 nevertheless, be on board of any ship or vessel, boat, raft or car-
4 riage, arriving after the said ~~act~~ in the
5 United States, or the territories thereof, shall be omitted in the ma-
6 nifest, report or entry of the master, or the person having the charge
7 or command of such ship or vessel, boat, raft or carriage, or shall
8 be omitted in the entry of the goods owned by the owner, or con-
9 signed to the consignee of such articles, or shall be imported, or
10 landed, or attempted to be imported or landed without a permit,
11 the same penalties, fines and forfeitures shall be incurred and may
12 be recovered, as in the case of similar omission or omissions,
13 landing, importation, or attempt to land or import, in relation to ar-
14 ticles liable to duties on their importation into the United States.

1 Sec. 8. *And be it further enacted,* That every collector, naval
2 officer, surveyor or other officer of the customs, shall have the like
3 power and authority to seize goods, wares and merchandise impor-
4 ted contrary to the intent and meaning of this act, to keep the same
5 in custody until it shall have been ascertained whether the same
6 have been forfeited or not, and to enter any ship or vessel, dwelling
7 house, store, building or other place, for the purpose of searching
8 for and seizing any such goods, wares and merchandise, which he or
9 they now have by law in relation to goods, wares and merchandise
10 subject to duty, and if any person or persons shall conceal or buy
11 any goods, wares or merchandise, knowing them to be liable to
12 seizure by this act, such person or persons shall, on conviction there-
13 of, forfeit and pay a sum double the amount or value of the goods,
14 wares and merchandise, so concealed or purchased.

Sec. 9. *And be it further enacted,* That the following additions shall be made to the oath or affirmation taken by the masters or persons having the charge or command of any ship or vessel arriving at any port of the United States, or the territories thereof, after the

viz. "I further swear (or affirm)

that there are not, to the best of my knowledge and belief, on board (*insert the denomination and name of the vessel,*) any goods, wares or merchandise, the importation of which into the United States, or the territories, thereof, is prohibited by law : and I do further swear (or affirm) that if I shall hereafter discover or know of any such goods, wares or merchandise on board the said vessel, or which

1 Sec. 11. *And be it further enacted*, That if either Great Britain
2 or France shall revoke or modify such of her orders, decrees, laws
3 or edicts, as violate the lawful commerce and neutral rights of the
4 United States, as generally acknowledged by the law, of nations,
5 in such manner as will render the same sufficiently safe in the opi-
6 nion of the president of the United States, of which revocation or
7 modification he shall give public notice by proclamation, the opera-
8 tion of this act, and also of the act laying an embargo on all ships
9 and vessels in the ports and harbors of the United States, and the

several acts supplementary thereto, shall so far as relates to the nation making such revocation, or modification, and to other nations in amity with her, and having no orders, decrees or edicts in force, violating the lawful commerce and neutral rights of the United States, forthwith cease and determine: *Provided*, That all penalties and forfeitures which shall have been previously incurred by virtue of this or of any other act, the operation of which shall so cease and determine, shall be recovered, and distributed in like manner, as if the same had continued in full force and virtue: and vessels bound thereafter to any foreign port or place with which commercial intercourse shall, by virtue of this section, be again permitted, shall give bond to the United States, with approved security, in six times the value of the vessel and cargo, that they shall not proceed to any foreign port, nor trade with any country, other than those with which commercial intercourse shall have been thus permitted.

Sec. 12. *And be it further enacted*, That it shall be lawful for the president of the United States, and he is hereby authorized, by proclamation, to prohibit the entrance of the harbours and waters of the United States, and of the territories thereof, to all ships and vessels sailing under the flag of, or owned in whole or in part by any citizen or subject of any other foreign nation, having in force any edicts, laws, orders, or decrees, which violate the lawful commerce and neutral rights of the United States, as generally acknowledged by the law of nations; and likewise to prohibit the importation into the United States, or the territories thereof, of all goods,

11 wares and merchandise, imported from any port or place situated
 12 within the dominions, or in the possession of such nation, or being
 13 the growth, produce, or manufacture of any place or country be-
 14 longing to, or within the dominions, or in the possession of such
 15 nation. And if any ship or vessel prohibited by such proclama-
 16 tion, shall, contrary to the same, arrive within the limits of the
 17 United States, or the territories thereof, after the expiration of
 18 calendar months next ensuing the date of such proclama-
 19 tion; or if any article or articles, the importation of which shall
 20 have been prohibited by such proclamation, shall, contrary to the
 21 same, be imported into the United States, or the territories thereof,
 22 after the expiration of calendar months next ensuing
 23 the date of such proclamation, every such ship or vessel, with the
 24 cargo on board, and every such article or articles, shall be forfeit-
 25 ed; and all the other penalties and forfeitures imposed by this act,
 26 on the illegal arrival of any ship or vessel coming from Great Bri-
 27 tain or France, or belonging in whole or in part to any subject or
 28 citizen of either, as well as all other penalties and forfeitures im-
 29 posed by this act on the illegal importation of any goods, wares, or
 30 merchandise, the growth, produce or manufacture of Great Britain
 31 or France, or imported from either, shall be deemed applicable, and
 32 shall be incurred and recovered, in the case of any illegal arrival of
 33 any ship or vessel; or of any illegal importation of any goods, wares
 34 or merchandise, contrary to such proclamation as aforesaid: and

35 the same powers vested by this act in the officers of the customs,
 36 and the additions made by this act to the oath of captains, masters,
 37 owners, consignees, and others, in relation to goods, wares or mer-
 38 chandise, the importation of which is prohibited by this act, shall
 39 extend in case of such proclamation, to all goods, wares or mer-
 40 chandise, the importation of which shall be prohibited by such pro-
 41 clamation: *Provided always*, that the operation of this act shall
 42 cease and determine in relation to any such nation, whenever she
 43 shall revoke or modify her edicts, laws, orders, or decrees, violat-
 44 ing as aforesaid the lawful commerce or neutral rights of the United
 45 States, in such manner as will render the same sufficiently safe in
 46 the opinion of the president of the United States; of which revoca-
 47 tion or modification he shall give public notice by proclamation;
 48 *Provided also*, that all penalties and forfeitures which shall have
 49 been incurred by virtue of this section, previous to the day on
 50 which its operation shall cease as aforesaid, shall be recovered and
 51 distributed in like manner as if the same had continued in full force
 52 and virtue.

1 Sec. 13. *And be it further enacted*, That all penalties and for-
 2 feitures arising under, or incurred by virtue of this act, may be sued
 3 for, prosecuted and recovered, with costs of suit, by action of debt,
 4 in the name of the United States of America, or by indictment or
 5 information, in any court having competent jurisdiction to try the
 6 same; and shall be distributed and accounted for in the manner pre-

7 scribed by the act, intituled " An act to regulate the collection of
8 duties on imports and tonnage," passed the 2d day of March, 1799;
9 and such penalties and forfeitures may be examined, mitigated or
10 remitted, in like manner and under the like conditions, regulations
11 and restrictions, as are prescribed, authorized and directed by the
12 act, intituled " An act to provide for mitigating, or remitting the
13 forfeitures, penalties and disabilities accruing in certain cases
14 therein mentioned," passed the 3d day of March, 1797, and made
15 perpetual by an act passed the 11th day of February, 1800.